

GARDNER CITY COUNCIL

Agenda

City Hall – 120 East Main Street- Gardner, Kansas

Date: Monday, August 20, 2007

Time: 7:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

Members of the public are welcome to use this time to make comments about City matters or items on the agenda that are not part of a public hearing.

CONSENT AGENDA

1. Standing approval of the minutes as written for the regular meeting on August 6, 2007.
2. Standing approval of the expenditures prepared on August 3, 2007 in the amount of \$307, 173.50.
3. Consider approval of a temporary permit for consumption of cereal malt beverages at the Festival on the Trails for September 15, 2007 to the Gardner Area Chamber of Commerce.

Background/Description of Item:

New Business Item #2 of the August 6, 2007 City Council Meeting asked that a temporary permit for consumption of cereal malt beverages at the Festival on the Trails for El Matador and The Tumbleweed be granted. This item was approved by Council unanimously. Due to stipulations of the donation of supplies, it is required by the donator that the permit be granted to the Gardner Area Chamber of Commerce.

Staff Recommendation:

Approve a temporary permit for consumption of cereal malt beverages at the Festival of the Trails for September 15, 2007 to the Gardner Area Chamber of Commerce.

4. Consider authorizing the City Administrator to execute a 36 month renewal agreement for the phone system equipment at the Energy Center.

Background/Description of Item:

The rental agreement with Telimagine for the phone system equipment at the Energy Center expires September 8th. Currently, the monthly payment for the equipment is \$102.90 per month. Telimagine has offered 2 options for renewal:

- Renew an additional 12 months with the same monthly payment amount of \$102.90 (plus applicable taxes) – or 1 additional year for \$1,234.80.
- Renew an additional 36 months for ½ the previous monthly payment amount, or \$51.45 (plus applicable taxes) – or 3 additional years for \$1,852.20.

Because the difference in the 2 options is only \$617.40, yet the second option extends the rental agreement an additional 18 months beyond the cost of renewing for 1 year, staff recommends renewing the rental agreement for an additional 36 months.



Staff Recommendation:

Authorize the City Administrator to execute a 36 month renewal agreement for the phone system equipment at the Energy Center

5. Consider authorizing the City Administrator to execute a 36 month agreement with Embarq for a T-2 line.

Background/Description of Item:

The City's H.T.E. software - which includes the financial, purchasing, utility billing, work orders, codes, building permit software, the 'e-government' software that allows customers to pay for various items "on-line" - is a "high-bandwidth application." Staff often experiences slow connections and decreased efficiency when accessing the software, the network, and the Internet. Currently, the City has a T-1 line, and the payment is \$700.00 per month.

During the course of preparing for the 2008 budget, staff met with Embarq regarding a solution to the slow connection speed and gathered information regarding the cost to increase the bandwidth for the City's network and Internet connection.

For comparison:

- T-1 line (current) - 1.44 mbps bandwidth, which equates to 1.5 mbps connection speed and can handle approximately 20-50 users. Current cost is \$700.00 per month.
- T-2 line - 3.0 mbps bandwidth, which equates to up to 6 mbps connection speed and can handle 50+ users and/or high bandwidth applications. Cost quote is \$949.00 per month.
- T-3 line - 45 mbps bandwidth, which is for 100+ users and/or high bandwidth applications. Cost quote is between \$4,500-6,000 per month.

Staff included the costs for an upgrade to the T-2 line in the 2008 budget. The I.T. services budget for 2007 can easily absorb an additional \$249 per month (or \$1,245 for the remainder of the year) to move to the T-2 line and double the bandwidth.

Staff Recommendation:

Authorize the City Administrator to execute a 36 month agreement with Embarq for a T-2 line.

6. Consider authorizing the City Administrator to execute a 36 month agreement with Embarq for a Point-to-Point T-1 line.

Background/Description of Item:

When the Municipal Court defendants are being held in one of the Johnson County detention facilities awaiting arraignment, it is necessary for our public safety officers to go get them and bring them to court for arraignment before the Judge. Depending upon the number of defendants for any particular court night, this can involve several patrol cars making several trips and takes public safety officers effectively "out of service" for the duration of the arraignment process and the corresponding trips to and from the detention facilities. There have been times when officers have been out of service for as long as 3 hours. For nearly a year, the Judge has requested the ability to arraign the City's court defendants through a video link to the Johnson County facilities. Staff has spent this last year negotiating and coordinating a plan with Johnson County I.T. staff to implement video arraignment while meeting the needs and requirements of both entities. Finally, all of the equipment and arrangements have been agreed upon between the City and the County, and staff is ready to move forward with final implementation of video arraignment. One thing that is absolutely non-negotiable from the county's perspective is that video arraignment must be done through a point-to-point T-1 line so that security cannot be compromised; however, it is possible that this T-1 line can be used by other City departments.

Another obstacle to implementation has been that the two entities have different service providers for their T-1 lines and related equipment. The County's provider is AT&T, and the City's is Embarq. Embarq has resolved this directly with AT&T through a cost-sharing plan between those two entities; the odd result of this is that the City will pay part of the monthly cost of \$604.44 to Embarq and part of the monthly cost to AT&T. Council may notice these payments

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to AT&T on future expenditure approval listings, if Council approves this multi-year contract for a point-to-point

T1 line. The costs to implement video arraignment, including the monthly charges for the T-1 line, were included in the 2007 budget estimate.

Staff Recommendation:

Authorize the City Administrator to execute a 36 month agreement with Embarq for a Point-to-Point T-1 line

NEW BUSINESS

1. Consider an ordinance attesting to an increase in tax revenues for the year 2008.

Background/Description of Item:

State law requires that the City pass an ordinance each year if an increase is anticipated in the amount of property tax collected over and above the maximum increase allowed by state law from year to year. As a result of new construction and increased valuations, staff is predicting an increase in the amount of property tax revenue collected. However, this is not an increase in the City's property tax rate for homeowners. The City's mill levy will remain the same for calendar year 2008 as it was for 2007. The following is a summary of the City's portion of the mill levy from 2000 through the proposed budget for 2008:

Levy Year	Budget Year	General	Bond	Total
2007	2008	21.028	3.052	24.080
2006	2007	21.028	3.052	24.080
2005	2006	21.038	3.054	24.092
2004	2005	20.952	3.042	23.994
2003	2004	20.882	3.032	23.914
2002	2003	19.822	3.032	22.854
2001	2002	18.758	4.092	22.850
2000	2001	18.693	4.078	22.771
1999	2000	18.036	4.150	23.824

Staff Recommendation:

Authorize the approval of ordinance no. ____ attesting to an increase in tax revenues for the budget year 2008.

2. Consider adopting the Fiscal Year 2008 Budget.

Background/Description of Item:

Attached is the summary State Form required by the State of Kansas. Upon adoption, the State forms will be delivered to the Johnson County Clerk who will forward them to the State.

As usual, the funds have additional project contingency (fund balance) added to the state forms. This prevents the need for additional appropriation next year if it becomes needed. The State Form shows the limit of the spending authority by fund, so any increases to the amounts attached must be amended during the course of 2008.



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This budget includes the addition of four new positions (Public Safety Officers) for the General Fund.

There is no increase to the mill rate. There is a 3% increase in the Electric rate, a 5% increase to Water and Wastewater rates, and several development fee increases. The Utility rate increases on the average homeowner will cost and additional \$5.85 per month.

Staff Recommendation:

Approve the fiscal year 2008 budget.

3. Consider an ordinance increasing the Water and Sewer Development Fees.

Background/Description of Item:

In order to fully develop the infrastructure necessary to meet increased service demands from new development, the development fees must be increased. The fees affected are the Water Development Fee and Sewer Development Fee. These fees pay for improvements by funding projects outright or through debt service.

The City Council recently conducted a work session on this issue where the increases were discussed. The changes for 2008 also include reducing the water charge per multi-family dwelling unit to approximately 75% of the single family dwelling unit, which is the same as multi-family is treated with the sewer charges. This coordinates the two fees as it relates to multi-family. Below is summary of current and proposed fees:

Residential Users	<u>2007</u>		<u>2008</u>	
	<u>Water</u>	<u>Sewer</u>	<u>Water</u>	<u>Sewer</u>
Single-Family Dwelling Unit	\$3,100	\$4,000	\$3,300	\$4,800
Each Duplex and Mobile Home Dwelling Unit	3,100	4,000	3,300	4,800
Each Multi-Family Dwelling Unit	3,100	3,000	2,500	3,600

NON-RESIDENTIAL	<u>2007</u>		<u>2008</u>	
	<u>Water</u>	<u>Sewer</u>	<u>Water</u>	<u>Sewer</u>
5/8" – 3/4" meter	\$3,100	\$4,000	\$3,300	\$4,800
1" meter	5,900	4,500	6,300	5,400
1 1/2" meter	9,800	6,000	10,400	7,200
2" meter	15,000	7,800	15,900	9,400

It is recommended that these fees continue to be reviewed annually. The effective date of January 1, 2008 is being recommended so that developers can better plan for future development and not have major changes to current projects. Attachments are provided showing other area communities' development fees for water (attachment 1) and sewer (attachment 2) and a comparison to the City of Gardner's development fees for the same.

Staff Recommendation:

Pass Ordinance #_____ increasing the development fees for Water Development and Sewer Development to be effective January 1, 2008.

4. Consider a resolution establishing fees and providing for increased Park Impact Fees.

Background/Description of Item:

As part of the development of the 2008 Budget rates for certain fees and taxes to cover the cost of development within the City were discussed.

Park Impact Fees

In order to offset the increasing cost to provide new recreational spaces, staff presented a \$30 fee increase as part of the 2008 Budget planning process.

Below is summary of current and proposed park impact fees:

Park Impact fee:	2007	2008
Residential	\$580	\$610
Commercial	\$.14 per sq. ft. of building	\$.15 per sq. ft. of building
Industrial	\$.12 per sq. ft. of building	\$.13 per sq. ft. of building

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Summary

It is recommended that these fees continue to be reviewed annually. The effective date of January 1, 2008 is being recommended so that developers can better plan for future development and not have major changes to current projects.

Staff Recommendation:

Pass Resolution #_____ establishing fees and charges that increases the park impact fee to be effective January 1, 2008.

5. Consider an Ordinance providing for the range of salaries and compensation of various officers and employees for 2008.

Background/Description of Item:

The 2008 Pay Plan was presented to Council during the budget discussions.

The pay plan is budgeted for a general market adjustment of 3% for January 1. As with past years, certain positions that are decidedly below market will move to a new range and will receive an additional 5% or more for their market adjustment. The positions that are moving are Building Maintenance Worker/Specialist, Planner, Building Plan Reviewer, Codes Administrator, Human Resource Manager, and Staff Engineer. This additional adjustment is for 6 employees out of our current 141, or 4% of staff. There are no additional dollars being added to Personal Services for these moves, so the costs will be absorbed within the proposed budget amount. Four new positions are being added (a 3% increase to staffing). They are all in Public Safety – two station officer PSO's to complete the staffing of the new Public Safety Station #2, one PSO for School Resources Officer (two thirds paid for by the school – position will not be hired if the school district decides not to add a SRO), and one PSO for street patrol.

In addition to the market adjustment, employees who meet expectations on their performance review also receive 3% on their review date, those that score higher get a 1% single bonus, and those that score lower receive no increase.

Staff Recommendation:

Pass Ordinance _____ providing for the range of salaries and compensation of various officers and employees for 2008.

6. Consider authorizing the City Administrator to execute a contract with Musselman & Hall Contractors for the 2007 Slurry Seal Street Maintenance Program.

Background/Description of Item:

Invitations to bid for the 2007 Slurry Seal Street Maintenance Program were sent to three (3) contractors and advertised in The Gardner News on July 25, 2007. Two (2) bids were received and opened on August 6, 2007. A summary of the bids received is as follows:

<u>Company</u>	<u>Bid Amount</u>
Musselman & Hall	\$72,430.68
Vance Bros., Inc.	\$88,701.64
Engineer's Estimate	\$91,850.50

Staff has reviewed the bids and recommends that the contract be awarded to Musselman & Hall in the amount of \$72,430.68. Work is expected to begin on October 8th and will be completed by the end of the month.

The scope of the work includes slurry sealing the following streets:

Parma Way	-	Winwood to Moonlight
Valerie Ln.	-	Colleen to Parma Way
Cedar	-	Colleen to Parma Way



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Colleen	-	Valerie Ln. to White Dr.
Birch	-	Madison to Sumac
Birch	-	Sumac to CDS
Sumac	-	Birch to CDS
Evergreen	-	Birch to Madison
Alder	-	Madison to Lincoln Ln.
Cherry	-	Madison to CDS
Mulberry	-	Madison to Colleen
Mulberry Ct.	-	Mulberry to CDS
Mulberry	-	Colleen to Westhoff
Colleen	-	Mulberry to Center

These streets were chosen to receive slurry seal as part of a new preventative maintenance program. Funds for this contract are budgeted and available from the Special Highway Fund, account no. 130-3120-431.62-05.

Staff Recommendation:

Authorize the City Administrator to execute a contract with Musselman & Hall Contractors for the 2007 Slurry Seal Maintenance Program in the amount of \$72,430.68.

7. Consider authorizing the City Administrator to execute a contract to prepare an Airport Master Plan in an amount not to exceed \$99,000.

Background/Description of Item:

The City of Gardner Airport is eligible to receive grant funds from the Federal Aviation Authority to update the Airport Layout Plan Drawings and the Airport Master Plan. The project cost \$99,000 and the city/airport's share of the cost is 5% or \$4,950, with the grant paying \$94,050.

The current Airport Master Plan was originally authorized for preparation in 1997 and accepted in 2000 by the City Council. Since 1997, development around the airport has dramatically increased and land uses have changed, particularly to the south where an intermodal facility has been proposed. The Master Plan needs to be updated to reflect proposed and existing development and is required by the FAA as a basis for approving future grants for airport improvements.

The scope of services proposed for updating the Airport Master Plan is based on guidance and requirements set forth by the FAA. The scope includes the following tasks: inventory of existing data; development of aviation demand forecasts and facility requirements; identification and evaluation of airport alternatives based on facility requirements; environmental review; preparation of airport drawings, such as the layout, land use, runway centerline profile, etc.; preparation of an airport capital financing plan; and final report preparation. A boundary survey and terminal area survey will also be prepared as part of the scope of services.

The 2000 Airport Master Plan did not include an airport capital financing plan so this item is a new task which has not been completed before for the airport. This financing plan will evaluate the airport's existing finances and develop a capital improvement plan which is reasonable based on revenue sources and available grants. The finance plan will be prepared in the interest of making the airport self-sustainable so that projects can be funded based on the airport's revenues.

The public will be invited to participate in the planning process throughout preparation of the master plan.

Selection Process

In August 2007, the City sent a Request For Proposal (RFP) to 3 engineering consulting firms and advertised the RFP on the City website and in the local newspaper. All three consulting firms were interviewed by the interview team which was comprised of two city staff members and a member of the airport board. All firms were well-qualified to perform the study; however, BWR Corporation (BWR) was selected by the interview team based on their previous experience working with the Gardner Airport on the 2000 Airport Master Plan and various other projects. City engineering staff has worked with BWR in the past and is very confident that they are competent to perform this work.

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If this contract is approved, the FAA will review the grant application and consider award of the grant for fiscal year 2008 (which begins in October 2007). Work will be authorized only if the grant is awarded from the FAA to prepare the Master Plan. If the grant is awarded, then the City will proceed with entering into an agreement with the airport to reimburse the city for \$4,950, which is the airport's share of the cost for preparing the Master Plan.

Staff Recommendation:

Authorize the City Administrator to enter into a contract with BWR in an amount not to exceed \$99,000 to prepare an Airport Master Plan.

8. Consider authorizing the City Administrator to execute a construction contract with APAC – Kansas, Inc. for the rehabilitation of Runway 8-26.

Background/Description of Item:

At the April 17, 2006 meeting, Council approved an Airport Maintenance Agreement with the Kansas Secretary of Transportation (KDOT) to repair and overlay the east-west runway at the Gardner Municipal Airport. The City is responsible for the cost of design and for the administration of the project. KDOT will reimburse the City for 50% of the construction and construction engineering cost up to a maximum of \$189,983.

On May 21, 2007, Council approved a \$31,300 engineering services contract with HNTB to prepare plans for the project. The plans were completed, approved by KDOT, and advertised for bids in the Gardner News on July 18 and on the city's website. HNTB notified prospective bidders and handled the distribution of plans and bid documents.

The two bids received on August 9 are summarized as follows:

<u>Bidder</u>	<u>Bid</u>
APAC-Kansas, Inc.	\$226,790.35
Holland Corporation	\$270,000.00
Engineer's Estimate	\$350,208.75

HNTB has reviewed the bids and recommends that the contract be awarded to APAC-Kansas in the amount of \$226,790.35. The work is anticipated to begin in September and is to be completed within 35 calendar days from the notice to proceed.

The city will temporarily finance this project from cash reserves. Council Resolution 1726, approved on May 21, authorized the sale of General Obligation Bonds to replenish the cash reserves spent on the project. The Airport Board has verbally agreed to pay the debt service for the bonds issued for this project. An agreement with the Airport Board will be considered on a future Council agenda.

Resolution 1726 anticipated a bond issuance in the amount of \$161,000. As shown in the following table, the current project estimate anticipates a local share of \$165,595. An adjustment to the debt authorization may be required, or the difference paid in cash, when final project costs are known.

	<u>Original Project Estimate</u>	<u>Current Estimate</u>	<u>City</u>	<u>KDOT</u>
Design	\$20,000	\$31,300	\$31,300	
Construction	\$262,000	\$226,790	\$113,395	\$113,395
Construction Engineering	\$20,000	\$26,000	\$13,000	\$13,000
Contingency		\$15,000	\$7,500	\$7,500
Total	\$302,000	\$300,090	\$165,695	\$134,395

Staff Recommendation:



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Authorize the City Administrator to execute a construction contract with APAC – Kansas, Inc. for the rehabilitation of Runway 8-26 in an amount not to exceed \$226,790.35.

9. Consider approval of an ordinance accepting a telecommunications franchise contract between Southwestern Bell Telephone, L.P. / AT&T Kansas and the City of Gardner, Kansas.

Background/Description of Item:

The City of Gardner franchise agreement with AT&T has expired and is currently on a month to month basis. AT&T provides service to a limited area of Gardner (previously part of New Century Air Center) on the western side of Moonlight Road at Maplewood Place Subdivision. AT&T provided the template for the ordinance to the City. The City Attorney reviewed the document to ensure that it continues to protect the City's right of way. The AT&T agreement continues to be more restrictive than the Embarq (formerly Sprint) agreement; however, it is AT&T's standard agreement.

The franchise agreement provides the City 5% of gross receipts for use of its right-of-way, the same as received from Embarq. The initial term of the AT&T franchise is two years from the date of adoption, however, it will renew automatically on a yearly basis until December 15, 2013. This agreement now can expire on the same date as the Embarq agreement on December 15, 2013.

Staff Recommendation:

Approve Ordinance ____ accepting a telecommunications franchise contract between Southwestern Bell Telephone, L.P./ AT&T Kansas and the City of Gardner, Kansas.

10. Consider approval of an ordinance accepting a Water Tower Lease agreement between Sprint Property Services and the City of Gardner, Kansas.

Background/Description of Item:

The City of Gardner's lease agreement with Sprint Nextel has expired and is currently on a month to month basis. Sprint Nextel has positioned antennas on the City of Gardner's 183rd Street water tower since 1997 to provide service to the Gardner area. Sprint Nextel provided the template for the lease to the City. The City Attorney reviewed the document to ensure that the agreement protects the City's interests.

The lease agreement provides the City of Gardner a monthly rent of \$2,000 or \$24,000 per year for use of its water tower. The initial term of the Sprint Nextel lease is five years with an option to renew for an additional five years, unless 90 days written notice is given by either party.

Research was conducted to ensure that the City was receiving an offer for leasing that was similar to others within the Kansas City Metro. Typical rental agreements ranged from \$23,000-\$25,000 per year, making this agreement reasonable for the City of Gardner to consider for use of its prime location for such devices.

Staff Recommendation:

Authorize the City Administrator to execute a water tower lease agreement between Sprint Property Services and the City of Gardner, Kansas.

11. Consider holding an Executive Session to discuss personnel issues.

Background/Description of Item:

In order to discuss personnel issues, the City Administrator is requesting a closed executive session.

Staff Recommendation:

Hold an Executive Session to discuss items relating to Personnel.

ADJOURNMENT